

United States District Court
Eastern District of Michigan

United States of America

v.

DESHAWN JONES /

Defendant

ORDER OF DETENTION PENDING TRIAL

Case Number: 09-30115

In accordance with the Bail Reform Act, 18 U.S.C. §3142(f), a detention hearing has been held. I conclude that the following facts require the detention of the defendant pending trial in this case.

Part I – Findings of Fact

(1) I find that:

- there is probable cause to believe that the defendant has committed an offense
- for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841 or 846;
- under 18 U.S.C. § 924(c).

(2) I further find that the defendant has not rebutted the presumption established by finding that no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community.

Alternative Findings

✓ I find that the government has established by a preponderance of the evidence that there is a serious risk that the defendant will not appear.

✓ I find that the government has established by clear and convincing evidence that there is a serious risk that the defendant will endanger the safety of another person or the community.

Part II – Written Statement of Reasons for Detention

✓ I find that the credible testimony and information submitted at the hearing established the following factors under 18 U.S.C. § 3142(g):

- ✓ (a) nature of the offense - Defendant is charged as a felon in possession of a firearm. The weapon was stolen, and the serial number defaced.
- ✓ (b) weight of the evidence - The grand jury indictment establishes probable cause.
- ✓ (c) history and characteristics of the defendant -
 - 1) physical and mental condition -
 - 2) employment, financial, family ties -.
 - ✓ 3) criminal history and record of appearance - This defendant has eighteen felony convictions in seven cases. The convictions include seven weapons offenses; five drug offenses; two assaults and one escape from confinement. He also has a history of failure to appear in court and parole violation. His misdemeanor convictions include resisting arrest, menacing, obstructing and weapons possession (in Canada). He has used alias identity to evade arrest.
- (d) probation, parole or bond at time of the alleged offense - Defendant on supervised release on date of offense charged.
- ✓ (e) danger to another person or community - This defendant is highly unlikely to comply with bond restrictions. He is a danger to the community. Pretrial Services officers in this district and in the Northern District of Ohio recommend detention. I couldn't agree more.

Part III – Directions Regarding Detention

The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

s/Donald A. Scheer*Signature of Judge*Donald A. Scheer, United States Magistrate Judge*Name and Title of Judge*

Date: March 12, 2009